GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Registration & Stamps Department - Allegations of corruption against Sri Tanguturi Mohammad, former Senior Assistant (now retired) and other O/o. Sub-Registrar, Duvvur, Kadapa District – Trapped on 28.04.2008 – Acquitted by the Trial court – Further action dropped - Representation filed for Regularization of suspension period – Treating the suspension period as not on duty - orders –issued.

REVENUE (VIGILANCE – II) DEPARTMENT

G.O.Rt.No.1288 **Dated:18.12.2015.**
Read the following:

1. From the Director General, Anti Corruption Bureau, Rc.No.94/RCT-TCD/2008, Dated.19.5.2008.
2. Proc. of the DIG, R&S, Kadapa, No.144/DIG/2008, dt.1.5.2008.
3. Proc. of the DIG, R&S, Kurnool, No.A/1790/2009, dt.24.6.2009.
4. From the DG, ACB, Hyderabad, Rc.No.94/RCT-TCD/2008, dt.30.12.2008.
5. G.O.Ms.No.438, Revenue (Vig.VI) Dept.,dt.16-3-2009.
6. Judgment of Spl. Judge for SPE & ACB cases, Nellore in CC No.3/2009, dt.5-11-2012.
7. From the Director General, Anti Corruption Bureau, Rc.No.94/RCT-TCD/2008, Dt.11.1.2013.
8. G.O.Rt.No.693, Revenue (Vig.II) Dept.,dt.11-7-2014.
9. Representation of Sri T. Mohammad, Sr. Assistant (Retd.), Kadapa, dt.25.11.2014.
10. Govt. Memo No.20243/Vig.II(2)/2014-1, dt.29.12.2014.
11. From the D&IG, R&S, AP, Hyderabad, Lr.No.Vig.2/6869/2008, dated:3.8.2015.

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O R D E R:

It was brought to the notice of Government that Sri Tanguturi Mohammad, former Senior Assistant (now Retired) and other O/o. Sub-Registrar, Duvvur, Kadapa District were trapped by the Anti Corruption Bureau officials on 28-04-2008 for doing official favour, when they demanded and accepted an amount of Rs.1,000/- from the complainant. Consequently, the Accused Officer Sri Tanguturi Mohammad, former Senior Assistant (now retired) was placed under suspension from 29.04.2008 vide reference 2nd read above, and later his suspension was revoked vide reference 3rd read above.

2. Whereas, in the reference 6th read above, the Special Judge for SPE & Anti Corruption Bureau cases, Nellore in its judgment dated: 05.11.2012 in C.C.No.3 of 2009 held that A1 i.e Sri Tanguturi Mohammad, former Senior Assistant and other O/o Sub-Registrar, Duvvur, Kadapa District were entitled for benefit of doubt and they were found not guilty of charges under Prevention of Corruption Act and they were acquitted. Government after careful examination of the matter have ordered to drop further action against the Accused Officers i.e Sri Tanguturi Mohammad, former Senior Assistant (now retired) and other O/o. Sub-Registrar, Duvvur, Kadapa District vide reference 8th read above.

3. Whereas in the reference 9th read above, Sri Tanguturi Mohammad, former Senior Assistant (now retired) has submitted representation and requested the Government to treat his suspension period as "On Duty". In the reference 10th read above, Government have requested the Commissioner & Inspector General, Registration & Stamps, Andhra Pradesh, Hyderabad to offer his remarks on the representation of the Accused Officer to Government for taking further necessary action in the matter.

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4. Whereas in the reference 11th read above, the Director & Inspector General, Registration & Stamps, Andhra Pradesh, Hyderabad has submitted his remarks stating that as per judgment of Hon'ble Supreme Court in the similar case "the employee does not automatically become entitled to full pay allowances for suspension period. The court observed that during this period the employee renders no work. He is absent for reasons of his own involvement in the misconduct and the bank is no way responsible for keeping him away from his duties. The Bank therefore, cannot be saddled with liability to pay him his salary and allowances for the period. That will be against the principle of no work, no pay and positively inequitable to those who have to work and earn their pay." The Director & Inspector General, Registration & Stamps, Andhra Pradesh, Hyderabad has finally stated that the request of the applicant for treating the suspension period cannot be complied and orders treating the said period as no work no pay may be issued.

5. Government after careful examination of the matter, have observed that the Accused Officer Sri T. Mohammad, former Senior Assistant (now retired) was acquitted in trial court on benefit of doubt. The Hon'ble Supreme court of India in Civil Appeal No.1868 of 1977 reported in AIR in case of *Krishna Kanth Raghunath Bibharvnekar vs. State of Maharashtra & others* held that "Acquittal does not automatically entitle one to get the consequential benefits." The Supreme Court in *Management of Reserve Bank of India vs. Bhopal Singh Panchal 9 AIR 1994 SC (552)* held that, "the employee does not automatically become entitled to full pay and allowances for suspension period." Hence, Government have decided to treat the suspension period of Sri T. Mohammad, former Senior Assistant (now retired) from 29.4.2008 to 26.6.2009 as 'not on duty' as per Rule 54-B(7) of Andhra Pradesh Fundamental Rules & Subsidiary Rules.

6. Accordingly, Government hereby order to treat the suspension period of Sri T. Mohammad, former Senior Assistant (now retired) from 29.4.2008 to 26.6.2009 as 'not on duty' as per Rule 54-B(7) of Andhra Pradesh Fundamental Rules & Subsidiary Rules.

7. The Director & Inspector General, Registration & Stamps, Andhra Pradesh, Hyderabad/ the Deputy Inspector General, Registration & Stamps, Kadapa shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Director & Inspector General, Registration & Stamps,
Andhra Pradesh, Hyderabad
The Deputy Inspector General, Registration and Stamps, Kadapa.
The Individual.
(through: the Deputy Inspector General, Registration and Stamps, Kadapa.)
Copy to:
The Director General, Anti Corruption Bureau, Hyderabad.
The Secretary to Vigilance Commissioner,
Andhra Pradesh Vigilance Commission, Andhra Pradesh, Hyderabad.
SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER